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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EDWARD JENKINS, Individually	:	ECF
and on Behalf of All Other	:	08 Civ. 3527 (GBD)(DF)
Persons Similarly Situated,	:	
	:	
Plaintiffs,	:	
	:	
	:	
-against-	:	
	:	
NBC UNIVERSAL, INC.,	:	
EXECUTIVE PEGASUS LIMOUSINE, LLC,	:	
PEGASUS TRANSPORT SERVICE, INC.,	:	
CENGIZ TASDEMIR, RON JACOBovich,	:	
And JOHN DOES #1-10,	:	
	:	
Defendants.	:	
	:	
-----X		

**DECLARATION OF STEVEN GRIFFIN**

**DECLARATION OF PLAINTIFF STEVEN GRIFFIN**

I, STEVEN GRIFFIN, hereby declare under penalty of perjury under the laws of the United States of America that the following is true:

1. I was a limousine and van driver employed by Executive Pegasus Limousine, LLC, Pegasus Transport Service, Inc., NBC Universal, Inc., Cengiz Tasdemir and Ron Jacobovich (together "Defendants"). I worked for Defendants from on or about August 2006 until about February of 2008 (the "time period"). Although I was paid in separate checks, I at all times worked for one supervisor while I worked for Defendants.

2. I worked as a limousine and van driver for Defendants and drove in excess of 90% of my routes in New York State. Most of my routes commenced or ended at NBC locations in New York City including among others the following: NBC + MSNBC at 49 W. 49<sup>th</sup> Street, New York, N.Y. or 50 West 50<sup>th</sup> Street, New York, N.Y., Oxygen Media at 75 9<sup>th</sup> Ave.(between 15 & 16<sup>th</sup> St.) , New York, N.Y. and the NBC Studio at 135 East 50<sup>th</sup> Street, New York, N.Y.

3. The other limousine drivers and van drivers also drove at least 90% of their routes in New York State.

4. During the time period, Defendants' employed a dispatcher located at 49 West 49<sup>th</sup> Street in the NBC office who directed the Defendants' drivers.

5. Upon information and belief I worked for Defendants with at least 100 other similar limousine and van driver employees who had the same duties as myself.

6. The turnover rate of drivers was very high and I estimate that during the time period, about twenty drivers a month would leave or be terminated and then be replaced.

7. My duties did not include managerial responsibilities or the exercise of independent business judgment.

8. During the time period, I worked an average of at least 60 hours per week.

9. Defendants paid me an hourly wage of \$12.00 per hour for driving the limousines.

10. Defendants first paid me \$22 per trip made as a van driver and then in Nove-December 2007, Defendants instead paid me \$13 per hour but did not pay me for waiting time.

11. Defendants did not pay me time and one half for any of my hours worked over 40 in a week ("overtime").

12. Defendants did not pay me my regular hourly rate for all of the hours that I worked. Defendants often improperly deducted from my hours 45 minutes per day of break time. I did not take breaks during the day and ate my lunch while I was working.

13. I electronically punched in and out of my job driving limousines by placing my hand in a punchclock.

14. The passengers that I drove told me that the Defendants were adding a charge to the bill as a gratuity. Nevertheless, I was never paid any gratuities or tips from Defendants even though the Defendants received the tips from the customer. Defendants also did not pay me the tips that were given to them on my behalf.

15. In addition to myself, during the time period, I am aware and have personal knowledge of other persons employed by Defendants as limousine and van drivers who performed the same or similar work as myself. Upon information and belief, Defendants hired at least 100 of such similar van and limousine drivers.

16. I and the other similar van and limousine driver employees regularly worked more than 40 hours per week for Defendants.

17. I and these other similar van and limousine driver employees worked more than 40 hours per week and were not paid time and one half for our overtime hours.

18. I know that others like me worked overtime and were not paid overtime by Defendants because I observed the other van and limousine driver employees working more than 40 hours in a week and discussed the issue with certain of these other similar van and limousine driver employees, including but not limited to Edward Jenkins and Taurus Braxton, who said that they worked more than 40 hours per week and that Defendants did not pay them time and one half their regular hourly rate for their overtime hours and did not pay them even at their regular hourly rate for all the hours that they worked. They all have stated to me that they worked as van and limousine driver workers for Defendants and worked more than 40 hours per week and were not paid time and one half for their hours worked over 40 in a workweek.

19. I repeatedly complained to my supervisor, Ron Jacobovich, about not being paid time and one half for overtime. He told me that Defendants had a policy not to pay overtime at time and one half to any van and/or limousine driver employees and said that I was not entitled to overtime under New Jersey law.

20. Throughout the time period that I worked at Defendants, and, upon information and belief, both before that time and continuing until the present, Defendants have likewise employed other individuals, like myself, in positions as van and limousine driver workers.

21. Such individuals have worked in excess of 10 hours per day and/or 40 hours a week, yet the Defendants have likewise willfully failed to pay them overtime compensation of one and one-half times their regular hourly rate.

Dated: June 16, 2008

  
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STEVEN GRIFFIN